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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 BRIAN BORENSTEIN,

8 Plaintiff,

9 v.

10 NELLIS GARDEN,

11 Defendant.

Case No. 2:19-cv-00482-RFB-NJK

**ORDER**

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13 In the instant action, Plaintiff alleges that he is being evicted by Defendant Nellis Gardens  
14 Apartments because he is disabled and has a service dog. On April 10, 2019, the Court found that  
15 Plaintiff had satisfied the standard for a temporary restraining order. The Court ordered that  
16 Defendant could not evict Plaintiff pending a hearing and that Defendant must restore electricity  
17 to Plaintiff's unit immediately. On April 16, 2019, the Court found that Defendant had not  
18 complied with its Temporary Restraining Order and provided Defendant notice and an opportunity  
19 to prove compliance by April 18, 2019 at 3:00 PM.

20 On April 16, 2019 at 4:53 PM, the Court received an *ex parte* communication from  
21 Defendant. The Court notes Defendant's expressed willingness to comply with the Court's Order  
22 and Defendant's representation that it is not the party responsible for withholding electricity from  
23 Plaintiff's residence, contrary to Plaintiff's allegations. The Court therefore orders Plaintiff to  
24 provide evidence that Defendant is contractually responsible for the provision of electricity to his  
25 residence by April 18, 2019 at 3:00 PM.

26 The Court finds, however, that Defendant is a corporation, unincorporated association or  
27 limited liability company and cannot therefore appear before the Court absent representation by a  
28 licensed attorney. "It is a longstanding rule that '[c]orporations and other unincorporated

1 associations must appear in court through an attorney.’’ D-Beam Ltd. P’ship v. Roller Derby  
2 Skates, Inc., 366 F.3d 972, 973–74 (9th Cir. 2004) (citation omitted); see also Frances v. Bank of  
3 Am., No. 17-35628, 2017 WL 7201867, at \*1 (9th Cir. Nov. 27, 2017) (applying the representation  
4 by counsel requirement to an LLC). The Court orders that Defendant conduct all future  
5 communications with the Court through counsel and that Defendant’s counsel file a notice of  
6 appearance with the Court in advance of the hearing scheduled for April 22, 2019 at 9:00 AM.

7 **IT IS THEREFORE ORDERED** that Plaintiff provide evidence that Defendant is  
8 contractually responsible for the provision of electricity to his residence by April 18, 2019 at 3:00  
9 PM.

10 **IT IS FURTHER ORDERED** that Defendant’s counsel file a notice of appearance with  
11 the Court in advance of the hearing scheduled for April 22, 2019 at 9:00 AM.

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13 DATED: April 16, 2019.

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**RICHARD F. BOULWARE, II**  
16 **United States District Judge**  
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